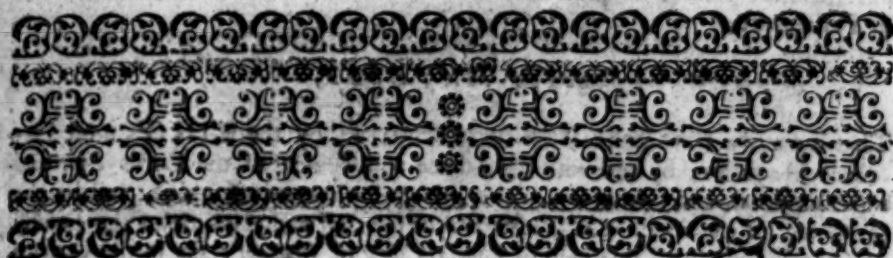


Great Brit. - Geo. II

[1]



*An ACT for Dividing and Inclosing the
Common Fields, Commons, and Waste
Grounds, lying in the Parish and within
the Precincts of the Manor of Langton
Herring, in the County of Dorset.*

Whereas One Moiety of the Manor of *Langton Herring*, in the County of *Dorset* (known by the Name of the Manor of *Ryme Extrinseca*, otherwise *Langton Herring*, in the County of *Dorset*), and the alternate Advowson, Presentation, and Right of Patronage, of, in, and to, the Rectory and Parish Church of *Langton Herring* aforesaid, belong to or are vested in the King's most Excellent Majesty, as being Parcel of the Possessions of the Duchy of *Cornwall*:

And whereas the other Moiety of the said Manor of *Langton Herring*, and also the other alternate Advowson, Presentation, and Right of Patronage; of, in, and to, the Rectory and Parish Church of *Langton Herring* aforesaid, belong to *Isaac Sparks*, Gentleman, and he is also seised of and intituled to several Messuages, Lands, Tenements, and Hereditaments, in Possession and Reversion, in the Parish of *Langton Herring* aforesaid :

And whereas the Reverend *Thomas Francklyn*, Clerk, is Rector of the Parish and Parish Church of *Langton Herring* aforesaid, and *Richard Rose* and *William Bartlett* are Freeholders of several Lands in the said Parish, and several other Persons are Tenants to the King's most Excellent Majesty, and to the said *Isaac Sparks* respectively, by Copies of Court Roll, or Leases for Years, determinable on Lives, of several Lands, lying within the Precincts of the said Manor, or Moieties of a Manor, described as aforesaid :

And whereas great Part of the Lands lying in the said Parish and Manor, or Moieties of a Manor, do consist of several common Fields, called the *East* and *West Fields*, common Meadows, and other commons and waste Grounds, and do lie open, intermixed, and uninclosed, and in their present Situation yield but little Profit to the Persons interested therein ; and it would be advantageous to the several Proprietors if the same were divided and inclosed ; But such Division

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and Inclosure cannot be effectually made and established without the Authority of Parliament;

May it therefore please Your MAJESTY,

That it may be Enacted: And be it Enacted, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Surveyor General and Auditor of the Duchy of Cornwall for the Time being, *Thomas Clark of Clement's Inn* in the County of Middlesex, *John Law of Clement's Inn* in the County of Middlesex, *Robert Lumley Kingston of Dorchester* in the County of Dorset, *John Gaby of Bromham* in the County of Wilts, *John Clapcott of Winterburn Whitchurch* in the County of Dorset, and *John Light Banger of Waterston* in the said County, Gentlemen, and their Successors, to be elected in Manner herein after mentioned, shall be, and they are hereby appointed Commissioners for setting out, dividing, and allotting, all the common Fields, common Meadows, Commons, and waste Grounds, in the said Parish and Manor, or Moieties of a Manor aforesaid, which now lie open and uninclosed, and for putting this Act in Execution.

And be it further Enacted, by the Authority aforesaid, That the said Commissioners, and their Successors, or any Five or more of them, shall, as soon as conveniently may be after the Passing of this Act, make or cause to be made (if they think it necessary), a true and distinct Survey of all the said common Fields, common Meadows, Commons, and waste Grounds aforesaid, and such Survey shall be reduced into Writing, and the Number of Acres, Roods, and Perches, in the said common Fields, common Meadows, Commons, and waste Grounds, shall be therein specified, and the said Survey shall be laid before the said Commissioners, or any Three or more of them, at one of their Meetings to be held in pursuance of this Act, to be by them kept for the Purposes of this Act.

And be it further Enacted, by the Authority aforesaid, That the said Commissioners, and their Successors, or any Five or more of them, shall, and they are hereby authorized and required, as soon as conveniently may be, after the said Survey (if any shall be made) shall have been laid before them, and if no Survey shall be thought necessary to be made, then as soon as conveniently may be, after the Passing of this Act, in the First place to set out and allot, to and for the said *Thomas Francklyn*, and his Successors, such Parcel and Quantity of Land and Ground, Part of the common Fields, common Meadows, Commons, and waste Grounds, so to be divided and inclosed, which shall be conveniently situated for the said *Thomas Francklyn*, and his Successors, as shall be a full Recompence and Equivalent for the Glebe Land and Right of Common belonging to the said Rectory, lying in the common Fields, common Meadows, Commons, and waste Grounds aforesaid; which said Land and Ground, so to be allotted to the said *Thomas Francklyn*, and his Successors, shall be inclosed, ditched, and fenced, at the sole Expence of the said *Isaac Sparks*; and shall, in the next place, set out and allot the Residue of the said common Fields, common Meadows, Commons, and waste Grounds, so to be divided and inclosed, to and among the said *Isaac Sparks*, *Richard Rose*, and *William Bartlett*, and the other Persons, who, at the time of the making such Allotments, shall be intitled to any Lands and Right of Common in the common Fields, common Meadows, Commons, and waste Grounds, so intended to be divided and inclosed, in Proportion to their respective Interests and Right of Common therein, subject to the Rules, Orders, and Directions herein contained.

Provided always, That nothing in this Act contained shall empower the said Commissioners, or any of them, to give any undue Preference to any of the Parties interested in the said intended Division and Inclosure, in respect of their Shares and Allotments; but that the said Commissioners, in making such Allotments, shall have due Regard to the Quality, as well as Quantity, of the Lands to be allotted to the several Parties interested, and also to the convenient Situation thereof, to and for whom the same shall be respectively allotted.

And be it further Enacted, by the Authority aforesaid, That the said Commissioners, and their Successors, or any Five or more of them, in making the respective Allotments to the several Parties interested, shall observe the following Rule; (that is to say) The respective Allotments to the several Parties interested, who have Lands and Right of Common in the common Fields, common Meadows, Commons, and waste Grounds aforesaid, shall be computed, reckoned, regulated, and adjusted, by and according to the Number of Acres of Arable Land, and the Number of Pastures for Beasts and other Cattle, which each Party shall have in the common Fields, common Meadows, Commons, and waste Grounds, at the time of making such Allotments.

And be it further Enacted, by the Authority aforesaid, That if any Dispute or Difference shall arise between the Parties interested in the said Division and Inclosure, or any otherwise, touching and concerning the respective Rights and Interests which they or any of them now have, or claim to have, in the said common Fields, common Meadows, Commons, and waste Grounds, so intended to be divided and inclosed as aforesaid, or touching and concerning the respective Shares and Proportions which they, or any of them, ought to have, of and in the said intended Division and Inclosure, it shall and may be lawful to and for the said Commissioners, and their Successors, or any Five or more of them, and they are hereby empowered and required, by Examination of Witnesses upon Oath (which Oath the said Commissioners, or any Two of them, are hereby authorized and empowered to administer), and upon such other proper and sufficient Inquiry, Evidence, and Satisfaction, to hear and finally to determine the same; and such Determination shall be binding and conclusive to all Parties whomsoever.

And be it further Enacted, by the Authority aforesaid, That the said Commissioners, and their Successors, or any Three or more of them, shall and may set out and appoint such publick or private Roads or Ways through the said intended Inclosures as they shall think convenient, so as that all such publick Roads shall be Forty Feet broad between the Ditches or Fences; and such publick Roads shall at all Times for ever thereafter be repaired and kept in Repair in such Manner as other publick Highways are by Law directed to be repaired: And that after the making the Roads and Ways so to be set out and appointed as aforesaid, it shall not be lawful for any Person or Persons to use any other Roads or Ways, either publick or private, over the said intended Inclosures, on Foot, or with Horses, Cattle, or Carriages; and that all the former Roads and Ways, which shall not be set out and appointed as the Roads and Ways through the said intended Inclosures, shall be deemed Part of the Lands to be inclosed, and shall be divided and allotted accordingly as Part of such Lands.

And be it further Enacted, by the Authority aforesaid, That within the Space of Six Calendar Months after the Division and Allotments of the said common Fields, common Meadows, Commons, and waste Grounds, shall be completed and finished, the said Commissioners, and their Successors, or any Three or more of them, shall form and draw up an Award or Instrument there-
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of in Writing, which shall express the Quantity and Contents, in Statute Measure, of the Acres, Roods, and Perches, contained in the said common Fields, common Meadows, Commons, and waste Grounds, so intended to be inclosed as aforesaid, and the Quantity and Contents of each and every Part and Parcel thereof, assigned and allotted to each of the Parties intitled to Lands or Right of Common, or any other Property, within the same, and a Description of the Situation, Buttals, and Boundaries, of such Parcels and Allotments respectively, and proper Orders and Directions, for and concerning the laying out and making of the publick Roads, and the Breadth thereof, and for and concerning the laying out, making, maintaining, cleansing, and keeping in Repair, the private Roads and Ways, Fences, Ditches, Drains, Bridges, Gates, and Stiles, in, upon, and over, the said intended Inclosures, and also all such Orders, Regulations, and Determinations, as are in and by this Act mentioned, directed, or required, to be made or established, and such other Orders and Regulations as shall be necessary or proper, conformable to the true Tenor of this Act, for the more easy, convenient, and effectual Execution thereof, and for preventing all Difficulties and Disputes in relation to the Matters herein contained, of which said Award or Instrument Three Parts shall be fairly ingrossed on Parchment, and signed and sealed by the said Commissioners and their Successors, or any Five or more of them; and that One Part thereof shall, within Six Calendar Months next after the same shall be so signed and sealed as aforesaid, be inrolled in the Office of the Auditor of the said Duchy of *Cornwall*, and remain with the proper Officer there; and that One other Part thereof shall be inrolled amongst the Court Rolls of the said Manor of *Ryme Extrinsicca*, otherwise *Langton Herring*, and remain with the Steward thereof, or his lawful Deputy; and that the other Part of the said Award or Instrument shall remain with the said *Isaac Sparks*, his Heirs or Assigns; and that a true Copy thereof, or of any Part thereof, after the same shall be so inrolled, shall at all times thereafter be admitted in all Courts whatsoever as legal Evidence of the same; and that the several Allotments and Divisions, Regulations and Determinations, so to be made as aforesaid, in and by such Award or Instrument, shall be binding and conclusive unto and upon all Persons intitled to or claiming any Lands or Right of Common upon, or other Property in, the said common Fields, common Meadows, Commons, and waste Grounds aforesaid; and that the several Allotments so to be made as aforesaid to the respective Persons interested, shall be in full Bar and Compensation for all the Lands, Right of Common, and Property whatsoever, in or upon the said common Fields, common Meadows, Commons, and waste Grounds aforesaid, and all and all manner of Right of Common, and Common of Pasture, upon, for, or in respect of, the said common Fields, common Meadows, Commons, and waste Grounds, shall, immediately after the Execution of such Award or Instrument, cease and be for ever extinguished.

And be it further Enacted, by the Authority aforesaid, That, for the more convenient Situation and Disposition of the Lands and Grounds aforesaid, it shall and may be lawful to and for any of the Proprietors of such Lands and Grounds to exchange all or any Part thereof for any other Lands or Grounds, either already inclosed, or which are intended to be inclosed by virtue of this Act, lying within the Parish and Manor aforesaid; so as all such Exchanges be made by and with the Consent and Approbation of the said Commissioners, or any Five or more of them, and be expressed and declared in the Award directed to be made as aforesaid; and that all and every Exchange and Exchanges, so to be made as aforesaid, shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever.

And be it further Enacted, by the Authority aforesaid, That every Person intitled to any Allotment or Allotments, so to be made as aforesaid, shall, and

and is hereby required to accept such Allotment or Allotments within the Space of Six Calendar Months next after the Execution of the said Award or Instrument, and publick Notice given in the Parish Church of *Langton Herring* aforesaid, on a *Sunday* immediately after Divine Service, and also Notice in Writing affixed on the Door of the said Church for that Purpose, signed by the said Commissioners, or their Successors, or any Three or more of them (which Notice the said Commissioners, or any Three or more of them, are hereby required to cause to be publickly given), and every Person who shall neglect or refuse to accept any such Allotment within the Space before-mentioned, shall be totally excluded from any Estate, Interest, and Right whatsoever, in, to, or in respect of, any Lands allotted to any other Person or Persons by virtue of this Act.

Provided always, That the Guardians, Husbands, Trustees, Committees, or Attornies, of any Person or Persons, being Minors, or otherwise incapable by Law to accept any such Allotment or Allotments, shall be, and are hereby, enabled and required to accept thereof for the Use of such Person or Persons; and also that any Person or Persons intitled to any Allotment or Allotments as Tenant or Tenants for Life or Lives, shall be, and is and are hereby respectively, enabled to accept of such Allotment or Allotments, and every such Acceptance respectively shall be, and is hereby declared to be, valid and effectual.

Provided also, That the Non-claim or Non-acceptance of any Guardian, Husband, Trustee, Committee, or Attorney, shall not exclude or prejudice the Claim or Acceptance of any Infant, Lunatick, Idiot, Feme-covert, or other Person, under any Incapacity as aforesaid, who shall claim or accept within Six Calendar Months after such Incapacity shall be removed, or of any Person or Persons intitled as Heir or in Remainder after the Death of any Person dying under such Incapacity, who shall claim or accept within Six Calendar Months after his, her, or their, Right or Interest shall have accrued, or be known to have accrued.

And be it further Enacted, by the Authority aforesaid, That, after the Execution of such Award or Instrument as aforesaid, the several Parcels of Land thereby appointed shall be inclosed, hedged, ditched, or fenced, at the Expence of the several Persons to whom the same shall be respectively allotted, except the said *Thomas Francklyn*, or his Successors, in such manner as they the said Commissioners, or any Five or more of them, in their said Award or Instrument, shall direct and appoint.

Provided always, That convenient Openings shall be left in the said Inclosures for the Space of Three Years next ensuing the Execution of the said Award or Instrument, for the Passage of Cattle, Carts, and Carriages, through the same, unless the several Parties interested therein shall agree that the same shall be sooner made up.

And be it further Enacted, by the Authority aforesaid, That nothing in this Act contained shall revoke, make void, alter, annul, or any-ways affect, any Settlement or Will, or prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, Mortgage, Incumbrance, or other Demand, out of, upon, or affecting, any of the common Fields, common Meadows, Commons, and waste Grounds, so intended to be inclosed as aforesaid, or any Part or Parcel thereof; but that the Lands to be allotted shall, immediately after the making such Division and Allotments, remain and enure, and be held and

enjoyed, and the several Proprietors to whom the same shall be allotted shall from thenceforth stand and be seised thereof respectively, subject and liable to the same Uses, and for such and the same Estates and Interests, and subject to such and the same Wills, Leases, Powers, Provisoes, Limitations, Remainders, Trusts, Charges, Rents, Mortgages, Incumbrances, and Demands, as he, she, or they, respectively, should and would have stood seised of and in his, her, or their, Right of Common, or other Interest, in the said common Fields, common Meadows, Commons, and waste Grounds, as if this Act had never been made; any thing herein contained to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That the said *Thomas Francklyn*, and his Successors, shall, from time to time, and at all times hereafter, be intitled to the same and the like Kind of Tythes and Portions of Tythes, out of and from the several and respective Parts, Shares, and Proportions, of the said common Fields, common Meadows, Commons, and waste Grounds, hereby intended to be inclosed as aforesaid, as the same shall annually or otherwise arise, as the said *Thomas Francklyn*, and his Successors, now is or are intitled to receive out of the Lands already inclosed in the said Parish of *Langton Herring*.

Provided always nevertheless, That in case the said *Thomas Francklyn*, or his Successors, shall judge it more advantageous for him or them to receive the Sum of Thirty-five Pounds annually in lieu and full Discharge of and from all and all manner of Tythes, both great and small, payable and issuing out of all the Lands and Grounds whatsoever within the said Parish of *Langton Herring* (except a certain Freehold Tenement, called a Placehold, belonging to the said *Richard Rose* and *William Bartlett*, which Placehold is hereby nevertheless intended to remain subject to the Payment of Tythes as heretofore, and also except all Tythes of Fish and all Offerings arising in the said Parish), it shall and may be lawful to and for the said Commissioners, and their Successors, or any Three or more of them, and they are hereby authorized and required, at the Desire and Request of the said *Thomas Francklyn*, or his Successors, to direct the said annual Sum or Composition of Thirty-five Pounds to be paid to the said *Thomas Francklyn*, and his Successors, by the Proprietors of all the Lands and Grounds in the said Parish of *Langton Herring* aforesaid, for and in lieu of all and all manner of Tythes whatsoever, except as before excepted.

And be it further Enacted, by the Authority aforesaid, That the said Commissioners, and their Successors, or any Three or more of them, shall, and they are hereby authorized and required to compute what yearly Rent or Sum of Money shall and ought to be rated and charged upon each respective Proprietor of Lands in the said Parish (except as before excepted), towards raising the said annual Sum or Composition of Thirty-five Pounds as aforesaid; which said Sum shall be paid to the said *Thomas Francklyn*, and his Successors, Rectors as aforesaid, at or on the Feasts of the Annunciation of the Blessed Virgin *Mary* and Saint *Michael* the Archangel in every Year; and which said annual Sum or Composition shall be in lieu of, and full Compensation for, all and all manner of Tythes whatsoever, payable and issuing out of all the Lands and Grounds whatsoever lying and being within the said Parish of *Langton Herring*, except as herein before is excepted; any Law, Custom, or Usage, to the contrary notwithstanding.

And be it further Enacted, by the Authority aforesaid, That if the said annual Sum or Composition of Thirty-five Pounds as aforesaid, or any Part thereof, shall be behind and unpaid for Twenty Days next after ei-
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ther of the said Feasts herein before mentioned for Payment thereof, that then, and in such case, from time to time, as often as it shall so happen, it shall and may be lawful to and for the said *Thomas Francklyn*, and his Successors, Rectors of the said Parish and Parish Church of *Langton Herring* aforesaid, into and upon the Premises so charged with the annual Rent or Sum so behind and unpaid, or any Part thereof, to enter and distrain, and to take, carry away, or otherwise legally dispose of, the Distress and Distresses so taken, and also to take and receive the Rents, Issues, and Profits, of the same Premises, to his and their own Use and Benefit, until thereby and therewith respectively, or otherwise, all Arrears of the said annual Sum, due at the time of such Entry and Distress; and that during such Possession shall grow due, and all Costs, Charges, and Expences, attending such Entry, Distress, and Perception, of Rents, and all Losses and Damages to be sustained by the said Rector, and his Successors respectively, by reason of the Non-payment of the said annual Rent, shall be fully paid and satisfied.

And be it further Enacted, by the Authority aforesaid, That the said Commissioners, and their Successors, or any Three or more of them, shall, and they are hereby required to give, or cause publick Notice to be given, in the Parish Church of *Langton Herring* aforesaid, upon some *Sunday* immediately after Divine Service, of the Time and Place of their First Meeting, and every subsequent Meeting, for the Execution of this Act, at least Six Days before any such Meeting shall be held, Meetings by Adjournment only excepted.

And be it further Enacted, by the Authority aforesaid, That if any One or more of the Commissioners appointed by this Act, or who shall have been elected in the manner herein after mentioned, shall, before the Execution of the said Award or Instrument, die, or refuse to act, the surviving or remaining Commissioners, or any Five or more of them, shall, from time to time, by Writing under their Hands and Seals, within One Calendar Month next after such Death or Refusal shall happen to be known, appoint One other Commissioner, not interested in the said intended Inclosure, instead of each Commissioner so dying, or refusing to act; and every such Commissioner, so to be appointed, shall have the like Authority to act, in the Execution of this Act, as the Commissioner in whose place he shall succeed was vested with.

And be it further Enacted, by the Authority aforesaid, That all the Charges and Expences attending the Obtaining and Passing of this Act of Parliament, and all the Charges and Expences of the surveying the said Lands and Grounds, and of the Award or Instrument to be made and executed as aforesaid, shall be defrayed by the several Proprietors, in proportion to the Quantity of Land allotted them respectively, in such manner as the said Commissioners, or their Successors, or any Five or more of them, shall order, direct, and appoint (except only with respect to the said *Thomas Francklyn*, and his Successors, who are to be intirely freed and discharged from any Expences relating thereto).

And be it further Enacted, by the Authority aforesaid, That this Act shall not prejudice the Rights of the King's most Excellent Majesty, or of the said *Isaac Sparks*, as Lords of the said Manor, or Moieties of the said Manor, or the Right of any future Lord or Lords thereof, in or to the Seigniorie, Royalties, Rights, and Services, incident and belonging to the same respectively; but that such Lord or Lords for the Time being, and all Persons claiming or to claim under or in Trust for him or them, as Lord or Lords thereof,

thereof, shall, at all times hereafter, hold and enjoy all Rents, Services, Rights, Royalties, Courts, Perquisites and Profits of Courts, and all other Royalties, Privileges, and Jurisdictions, to the same, or to the Lord or Lords thereof, belonging (other than and except such Right of Common as can or may be claimed by the Lord or Lords of the said Manor, or Moieties of the said Manor, upon the said common Fields, common Meadows, Commons, and waste Grounds, hereby intended to be inclosed, and such Right in the Soil of the said common Fields, common Meadows, Commons, and waste Grounds, for which he or they respectively have a Satisfaction in pursuance of this Act), in as full, ample, and beneficial manner, to all Intents and Purposes, as he or they might have held and enjoyed the same, in case this Act had not been made.

Saving always to the KING's most Excellent Majesty, his Heirs and Successors, and to all and every Person and Persons, Bodies Politick or Corporate, his, her, or their Heirs, Successors, Executors, and Administrators (other than and except the several Persons to whom any Allotment or Allotments of Lands shall be made by virtue of this Act); All such Estate and Interest as they, every or any of them, had and enjoyed, of, in, to, or in respect of, the said common Fields, common Meadows, Commons, and waste Grounds, before the Passing of this Act, or could or might have had or enjoyed, in case the same had not been made; but no such other Person or Persons, Bodies Politick or Corporate, his, her, or their Heirs, Executors, Administrators, or Successors, shall have Power to disturb any of the Allotments to be made in pursuance of this Act; but shall accept the respective Allotments which shall be made in lieu of the Lands and Rights of Common, or other Interest, which he, she, or they, would have been intitled to therein, in case this Act had not been made.

*Draining and Inclosing the Common
Fields, Commons, and Waste Grounds,
lying in the Parish and within the
Precincts of the Manor of Langdon
Herrings in the County of Dorset.*

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